

HB1104



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1104

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-14.1

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning solicitation of a sexual act.

LRB102 03118 RLC 13131 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 11-14.1 as follows:

6 (720 ILCS 5/11-14.1)

7 Sec. 11-14.1. Solicitation of a sexual act.

8 (a) Any person who offers a person not his or her spouse
9 any money, property, token, object, or article or anything of
10 value for that ~~that~~ person or any other person not his or her
11 spouse to perform any act of sexual penetration as defined in
12 Section 11-0.1 of this Code, or any touching or fondling of the
13 sex organs of one person by another person for the purpose of
14 sexual arousal or gratification, commits solicitation of a
15 sexual act.

16 (b) Sentence. Solicitation of a sexual act is a Class A
17 misdemeanor. Solicitation of a sexual act from a person who is
18 under the age of 18 or who is a person with a severe or
19 profound intellectual disability is a Class 4 felony. If the
20 court imposes a fine under this subsection (b), it shall be
21 collected and distributed to the Specialized Services for
22 Survivors of Human Trafficking Fund in accordance with Section
23 5-9-1.21 of the Unified Code of Corrections.

1 (b-5) It is an affirmative defense to a charge of
2 solicitation of a sexual act with a person who is under the age
3 of 18 or who is a person with a severe or profound intellectual
4 disability that the accused reasonably believed the person was
5 of the age of 18 years or over or was not a person with a
6 severe or profound intellectual disability at the time of the
7 act giving rise to the charge.

8 (c) This Section does not apply to a person engaged in
9 prostitution who is under 18 years of age.

10 (d) A person cannot be convicted under this Section if the
11 practice of prostitution underlying the offense consists
12 exclusively of the accused's own acts of prostitution under
13 Section 11-14 of this Code.

14 (Source: P.A. 98-1013, eff. 1-1-15; 99-143, eff. 7-27-15.)